

### REMARKS

In the Office Action mailed August 6, 2009, the Examiner has required species elections. In particular, the Examiner has required that Applicants elect a single species from each of the following:

1. A method as follows: a) a method comprising steps a and b using a single reporter protein (claims 55-58, 61-101); or b) a method comprising steps a through d using first and second reporter proteins (claims 59, 60, 103-111).
2. A reagent as follows: a) a cell (claims 55, 57, 59); or b) a lysate/cell extract (claims 56, 58, 60).
3. A Her-2 3' UTR sequence as follows: a) SEQ ID NO:3 (claims 82, 83, 101, 102); or b) SEQ ID NO: 4 (claims 82, 83, 101, 102).

In response, Applicants hereby elect the following species:

1. A method comprising steps a and b using a single reporter protein.
2. A cell.
3. SEQ ID NO: 4.

Applicants believe that claims 55, 57, 61, 63, 65, 67, 69, 71-74, 78, 80, 82, 84, 86, 88, 90-93, 97, 99, and 101 read on the elected species.

Applicants respectfully request consideration of the remarks made herein and entry of them into the file history of the present application.

Respectfully submitted,

Date: September 4, 2009

Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017-6702  
(212) 326-3939

By: Jennifer J. Chedea  
Reg No. 46,617